

NEVADA DEPARTMENT OF EDUCATION

Tuesday, September 15, 2015

9:00 a.m.

Department of Education
700 East Fifth Street
Board Conference Room
Carson City, Nevada

And

Department of Education
9890 South Maryland
Board Conference Room
Las Vegas, Nevada

MINUTES OF REGULATION WORKSHOPS

DEPARTMENT STAFF PRESENT:

In Carson City

Steve Canavero, Deputy Superintendent, Student Achievement
Karen Johansen, Administrative Assistant

In Las Vegas

Dena Durish, Deputy Superintendent, Educator Effectiveness and Family Engagement

LEGAL STAFF PRESENT:

In Carson City

Greg Ott, Deputy Attorney General

AUDIENCE IN ATTENDANCE:

In Carson City

Jason Zona, Pioneer High School Online
Janeen Kelby, Washoe County School District
Kirsten Gleissner, Northwest Nevada Regional Professional Development
Fred Boyd
Bryn Lapenta, Washoe County School District
Dr. Steve Pradere, Clark County School District
Tammy Malich, Clark County School District
Patrick Gavin, State Public Charter School Authority
Dotty Merrill, Nevada Association of School Boards
Mary Pierczynski, Nevada Association of School Superintendents
Shane Piccinini, Food Bank of Northern Nevada

In Las Vegas

Victoria Carreon, Guinn Center for Policy Priorities

Tambre Tondryk, Beacon Academy
Craig Stevens, Clark County School District
Ben Gerhardt, Nevada Virtual
Andrea Damore, Beacon Academy
C. Jean Reynolds Trudell, Clark County School District
Heidi Arbuckle, Clark County School District
Dan Tafoya, Clark County School District
Brenda Daw, Clark County School District
Nathan Trenholm, Clark County School District
Greg Manzi, Clark County School District
Kyle Konold, Delta Academy
Lorna James-Cervantes, Clark County School District
Catrina Peters, Nevada Dietetic Association
Jodi Tyson, Three Square

The meeting was called to order at 9:02 a.m. with attendance as reflected as above. Interim Deputy Superintendent Steve Canavero explained the regulation workshop process.

Public Comment #1

There was no public comment.

Workshop to Solicit Comments on Proposed Amendments to NAC 385, Alternative Performance Framework

The hearing opened at 9:05 a.m. There were 11 individuals present in Carson City and 16 individuals present in Las Vegas.

Interim Superintendent Canavero shared that S.B. 460 from the 2015 Legislative Session requires the State Board to adopt regulations that prescribe an alternative performance framework to evaluate schools that are approved and meet certain conditions. The regulations must include the manner in which to evaluate the schools.

Julian Montoya, accountability director, Assessments Data Accountability Management (ADAM), explained a school district with a school that fits the criteria would apply to their school board, and then that application goes to the State Board. Data provided is reviewed to determine progress of the kids moving towards college or career readiness. The mission of the schools to serve schools pupils that have been expelled or suspended, have been deemed to be habitually truant, a disciplinary problem, are academically disadvantaged, have been adjudicated delinquent and have been adjudicated in need of supervision or have an IEP education program. The school would need to show their students fit in one of these categories. This is a different population and non-traditional schools.

Dr. Canavero commented the statute is clear about defining progress within the framework. The work group has made suggestions about how to measure progress for these specific schools with an at risk population. Progress will be looked at based upon the baseline the school presents during its application process. A baseline is established to

move forward to measure progress for those pupils. That could be school climate, student engagement indicators, career and college readiness indicators, graduation, college and career readiness assessment, credit attainment, at-risk indicators, certain behaviors, drop-out status, indicators of literacy, attendance and academic indicators that would be measured as they would for any school under the statewide assessments.

Workshop Public Comment

Kyle Konold, Delta Academy, addressed proposed language in section 4a that states, *academically disadvantaged* retained in the same grade level two or more times. He asked if two or more times means a student who takes 7th grade then repeats it again, and then repeats it again for the third time. Dr. Canavero responded that is the definition of *academically disadvantaged* which is used as one of the criteria in section 3a of S.B. 460. Mr. Konold said the student would be a 15 year old 7th grader if they were retained twice in the same grade after having taken it once and said he agreed with the language on the second part *the deficiency in the credits required to graduate on time*.

There is a requirement of earned credits to matriculate from 7th to 8th grade and from 8th grade to high school if the similar language could be used for the middle school level. Students are not retained at any level in high school. Freshmen progress to a sophomore the following year even if they have just one credit. Only the middle school level would be considering that. Mr. Konold commented this must be consistent with the current system of accountability. He said he understands that academics are a component of that and appreciates that others were outlined such as credit attainment, literacy attendance, academic indicators, and behaviors. It is not just going to lower the bar on the system or rework the numbers; we are actually going to qualitatively look at it differently as opposed to just quantitatively looking at these students differently.

Tambre Tondryk and Andrea Damore, Beacon Academy had questions about NAC 385. Ms. Tondryk asked for assurance that the 75 percent is applicable only for the new students that enroll each year. The reason she thinks this is important is because their goal is to help students make up credits each year. It is possible their returning students will no longer meet the requirements as defined by NAC 385. It would be difficult for a school like theirs where one year they are held accountable under the alternative accountability framework and the next year they would not because they continually change the populations. It is very important that it is applicable only to their new students.

Dr. Canavero said for a school to be eligible, the law specifies that the mission of the school is to serve pupils who meet the eligibility requirements and he asked Ms. Tondryk if that is consistent with the mission of her school? She responded their mission is for at risk students. Dr. Canavero reiterated the regulation was developed for the application depending on the authority to specify 75 percent of their pupils enrolled at the school fall into one or more of the qualifying categories. He asked if Ms. Tondryk if that would include all students continuously enrolled or, as she suggested, just students who are newly enrolled in the school.

Ms. Tondryk agreed, she said each year it is hoped those students will be on track so less students would be able to qualify especially if looking at what defines credit deficiency. It is not anticipated that the returning student would be two or more years behind at that point

Andrea Damore stated the definition for credit deficiency is difficult and that a certain level of deficiency should be included at the high school level. For example their charter is written to serve students 14 to 21. A student is not on track to graduate even if they are one or two credits deficient, that

is very different from a student who is 6 to 9 credits deficient. Dr. Canavero said there are regulations that describe credit deficiency and grade level, and an approach to assigning grade levels in high school related to credit attainment. That information was critical for the Nevada Report Card's report on credit deficient students and there are two approaches to determining credit deficiency.

Jean Reynolds Trudell, principal, John F. Miller School, said hers is one of four special education schools in CCSD and one of five in the state. She worked with Mr. Montoya and a group of stakeholders on the alternate performance framework about how to define and work with the special education schools. She requested clarification about the performance on alternate assessments for students in special education, what kind of weight that will be given and asked if there a definition yet, or as will they use as an alternate to a performance on IEP goals and benchmarks? Dr. Canavero asked if she has a preference to measure progress for pupils with an IEP. Ms. Reynolds said her preference is specific to her school and some of the students and Helen J. Stewart as well as some of the students at Piccolo in Reno and Washoe. Students at John F. Miller have cognate function levels in a range where they are unable to access the alternate assessment. There has never been an assessment that could accurately reflect growth with students at John F. Miller because they are functioning at the lowest intellectual area. Their IEP will show progress and growth. They are assessing students who are deaf and blind, functioning at a 6 month level and are not able to understand oral language or pictures presented in the alternative assessment. That is a concern for all of their students and for some students at other schools. While the alternate can be used to show performance and growth for some students, it is not able to show that for all students. It places an unfair burden if that is the only area looked at for special need students and their performance. She asked if they are looking at something other than a performance on an alternate assessment.

Patrick Gavin, director, State Public Charter School Authority (SPCSA) noted the school must serve the population that is being identified. He echoed Ms. Tondryk's comment that the student is qualified at the first time enrollment. A student who goes back and forth between schools is an issue to avoid. They should not be getting help because duties were performed appropriately. He questioned the language about a student being held back twice and what happens if it is an elementary or middle school. There are many high quality charter networks that use a retention strategy as a means of ensuring all students master the standards. This is an area where the state test which is available for students from grades 3-8, is the better qualifier versus the on track to graduation metric which is something that is calculated when the students begins high school. The real solution is to identify that it is a student who enters 9th grade having been retained two or more times. He agreed that they limit IEP goals to a small sub set of students with a possibility of a reviewer audit by the NDE to ensure this is not something that is being gained by a school. He said there could be a situation where a parent or a school wants to opt out of the SBAC and puts in an IEP goal, which is not appropriate for that particular student. He also recommended tightening the definition of being credit deficient. Mr. Gavin expressed concern about a school arguing that a student who is one or two credits behind and is immanently capable of being able to accrue all the credits necessary to graduate on time so that it is explicit about which sub set of students is truly considered to be over age and under credit in order to qualify,

Dr. Canavero said as a point of clarification, schools do not automatically qualify for this, it is not something they are going to suddenly find themselves subject to. The law is specific that a school that wishes to be rated through this framework would apply to the board of trustees. There are two levels of discretion, the will of the school to see this, and the board of trustees or sponsor to grant this. We hope there are appropriate filters along the way so when they receive a request, they are acted upon.

Tammy Malich, assistant superintendent, CCSD, stated she was on the workgroup and expressed concern related to section 3a, subsection 1 and 2. She asked to be certain there is a clear measurement; those students are generally short term removals. A recommendation from the workgroup was a pre-post model and she is hoping if that is the direction that it is a consistent assessment so that all schools

are being measured the same way. Ms. Malich said she wants to hold the schools accountable and move students forward, but there needs to be a solid plan to measure the time they spent in these alternative schools.

The workshop closed at 9:42 a.m.

Workshop to solicit comments on proposed amendments to NAC Chapter 388 to provide the criteria for the district policy that the board of trustees of each school district is to develop for teaching pupils who are limited English proficient.

The workshop was opened at 9:42 a.m. There were 11 individuals present in Carson City and 16 individuals present in Las Vegas.

Jonathan Gibson, title III director, Department of Education, explained the legislation NRS 388.411 outlines the process for the English Mastery Council (EMC) to develop criteria for recommendation for district level policies for services to EL for all districts in the state. The structure of the criteria was taken from NRS 388.407 and within that structure, federal title III guidelines and ESEA specifications for services to EL and civil rights issues as identified by the Office for Civil Rights and Department of Justice have been included within the structure of the required elements as identified in state law. n December 2, 2014 the EMC approved the criteria as presented here and then on December 11, 2014 the SBE adopted those criteria as presented. Districts are in the process of defining their policies and plans to comply with the criteria.

There were no workshop comments. The workshop closed at 9:40 a.m.

Workshop to Solicit Comments on Proposed Amendments to NAC 386.350, Governing Body: Miscellaneous Duties and Proposed Amendments. NAC 387.131 School day in session

The workshop opened at 9:47 a.m. There were 11 individuals present in Carson City and 16 individuals present in Las Vegas.

Dr. Canavero explained S.B. 503 created a program called Breakfast After the Bell. This program specifies certain schools that meet an enrollment requirement are required to serve breakfast. There are provisions related to financial hardship that may allow a district or school to not participate in the program. There are no specific requirements to adopt regulations by the NDE or the State Board. The NDE wanted respond to concerns and wishes to ensure this program is successful and remove barriers so that schools and districts can implement this program and provide students with a healthy breakfast after the bell. The principal concern heard was related to the time of the breakfast, and if they are going to serve breakfast after the bell if that is counted as instructional minutes.

Fred Boyd, citizen, stated he has been an education volunteer and has been interested in education reform for over 50 years. He asked which government agency is paying for the additional carts and refrigeration at each school, the labor, the trucks the districts must purchase and the additional food. He said he is also interested in knowing how the decision was made to require that student's take all four items presented to them in the classroom, and suggested the hypocrisy of food waste needs to be examined.

Dr. Canavero clarified that a few years ago the State Board of Education transitioned its food service and nutrition office to the Department of Agriculture. He recommended that Mr. Boyd contact the director of

food and nutrition for Nevada schools because the NDE does not have authority over many of his concerns

Shane Piccinini, food bank of N. Nevada, said they support the Breakfast in the Classroom program in WCSD and shared some information. They started their program in 1999 at Maxwell elementary school. In 2006 the WCSD board of trustees announced the Breakfast in the Classroom would be mandatory for all provision II schools. Today, the district has 33 of 96 schools with some form of a Breakfast in the Classroom bill. There are 24 provision II schools, 23 have Breakfast in the classroom and the others have a combination of Breakfast after the Bell, Breakfast in the Cafeteria and Grab and Go, a nutritional break between first and second periods. There are nine non-provision schools planned this year for Breakfast after the Bell as a result of S.B. 503. They are at 70 to 75 percent threshold in compliance with the Governor's legislation. Out of the nine, six have already been implemented. He provided information about how WCSD got started with the program.

Bryn Lapenta, WCSD, asked to put on the record that they do not have an issue as long as when their calendars are audited that they are allowed to include breakfast and nutrition break in the minutes for their school day, but they will exclude lunch.

Dr. Canavero asked if they were to be explicit about what would count they would just reference Breakfast before the Bell, or Breakfast after the Bell program. He asked if that captures what is being done in the provision II schools, or should they be more general. Ms. Lapenta said she would prefer if he was more general because of the overcrowding situation. There are times when kids are eating lunch at an early time so they are given a nutrition break in the afternoon. She does not want to exclude that or have people not want to participate, specifically because they felt there was not time in the day.

Jodi Tyson, government affairs director, Three Square Food Bank, stated they are supportive of S.B. 503 and continue to be excited about the progress and the number of students that now have access to breakfast. She said she has not seen the instructional minutes as a barrier or an issue for the schools they visited. They have visited two schools, an elementary and a high school in Las Vegas. One school moved their morning bell back 15 minutes so they have time for the kids to grab breakfast and go to the classroom. Teachers in the classroom are happy moving the bell back because they say it gives them additional instructional minutes. They are using the minutes to take attendance, talk about homework from the day before and set goals for the day.

Katrina Peters, Nevada department of agriculture, explained that the Nevada department of agriculture conducted a regulatory workshop on S.B. 503 on September 10, 2015. She welcomed Mr. Boyd's feedback and advised him how to contact the agriculture department. She provided information about why school breakfast after the school bell is critical.

The workshop was closed at 10:12 a.m.

Public Comment

There was no public comment.

The meeting was adjourned at 10:13 a.m.

DRAFT